

MINUTES – MARCH 1, 2010

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, March 1, 2010. Members present: George W. Ward, Jr., Chairman, Kenneth D. Travis, Vice-Chairman, Erik D. Battle, William E. Carter, Nathaniel Hall, Jeremiah Jefferies, and Gordon G. Satterfield. Also present: Kevin B. Howard, County Manager, Michael R. Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Ward opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the agenda as presented. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the Consent Agenda as presented. The motion carried unanimously.

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of December 14, 2009 Regular Meeting, January 7, 2010 Special Meeting, January 11, 2010 Regular Meeting, January 20, 2010 Special Meeting, and February 4, 2010 Special Meeting
- 2) Financial Report – July 1, 2009 – January 31, 2010

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

There were no public comments made.

PUBLIC HEARING – HAZARD MITIGATION PLAN

Commissioner Travis moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on the final draft of the Caswell County Multi-Jurisdictional Hazard Mitigation Plan. The motion carried unanimously.

Mr. Jim Gusler, Emergency Services Director, came before the Board and presented the final draft of the Caswell County Multi-Jurisdictional Hazard Mitigation Plan.

There being no further comments, Chairman Ward declared the public hearing closed.

Commissioner Jefferies moved, seconded by Commissioner Hall to adopt the following *Resolution for the Adoption of the Caswell County Multi-Jurisdictional Hazard Mitigation Plan as Required by State Senate Bill 300 and in Order to Remain Eligible for State and Federal Disaster Relief Funding*. The motion carried unanimously.

CASWELL COUNTY

RESOLUTION

FOR THE ADOPTION OF THE CASWELL COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AS REQUIRED BY STATE SENATE BILL 300 AND IN ORDER TO REMAIN ELIGIBLE FOR STATE AND FEDERAL DISASTER RELIEF FUNDING

WHEREAS, Caswell County and the Towns of Milton and Yanceyville desire to remain eligible for State and Federal disaster relief funds in the event of a declared disaster in Caswell County; and

WHEREAS, the Caswell County Board of Commissioners recognizes the value of having a plan in place for identifying, prioritizing, and mitigating potential and real hazards that could affect Caswell County; and

WHEREAS, Caswell County and the Towns of Milton and Yanceyville have prepared a Multi-Jurisdictional Hazard Mitigation Plan and have revised the Plan as suggested by the North Carolina Division of Emergency Management after its submittal to the State and to the County and Towns for review and comment; and

WHEREAS, the North Carolina Division of Emergency Management has endorsed the proposed Caswell County Multi-Jurisdictional Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Caswell County Board of Commissioners that it adopts the Caswell County Multi-Jurisdictional Hazard Mitigation Plan and further agrees to provide Administrative Services for the Plan under the terms and conditions of the Inter-Local Agreement between the Towns and the County for said services.

ADOPTED THIS THE 1ST DAY OF MARCH, 2010.

Attest:

S/Wanda P. Smith
Wanda P. Smith, Clerk to the Board
Caswell County Board of Commissioners

S/George W. Ward, Jr.
George W. Ward, Jr., Chairman
Caswell County Board of Commissioners

Mr. Gusler requested that the Board approve the release of a full-time Paramedic position from the hiring freeze. Mr. Gusler noted that the position is currently funded in the 2009-2010 EMS budget.

After discussion, Commissioner Carter moved, seconded by Commissioner Jefferies to approve the release of a full-time Paramedic position from the hiring freeze. The motion carried unanimously.

Mr. Gusler presented to the Board a *Proposal to Lease to the State of North Carolina* property in the Pelham Industrial Park for the placement of a tower for the North Carolina Interoperable Communications System (VIPER).

Mr. Michael Ferrell, County Attorney noted that approval of the *Proposal to Lease* should be subject to the Board of Commissioners reviewing the final lease terms, especially since this would be a 30-year lease.

After discussion, Commissioner Jefferies moved, seconded by Commissioner Carter to approve the *Proposal to Lease to the State of North Carolina* property in the Pelham Industrial Park for the placement of a tower for the North Carolina Interoperable Communications System (VIPER). The motion carried unanimously.

Mr. Gusler requested that the consideration of purchase of two EMS ambulance units be tabled to the next Board meeting. Mr. Gusler informed the Board that he has visited the manufacturing facilities of two vendors and they are in the process of submitting their quotes for two ambulances, however, they have not completed their proposals.

PUBLIC HEARING – ANIMAL CONTROL ORDINANCE

Commissioner Travis moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on revisions to the Animal Control Ordinance. The motion carried unanimously.

Mr. Michael Ferrell, County Attorney, reported that the proposed Animal Control Ordinance before the Board tonight is a compilation of the original Animal Control Ordinance and various amendments to the Ordinance that was adopted by the Board. Mr. Ferrell stated that he took the original Ordinance and the various amendments and incorporated it into one document, and tried not to do anything that would change any policy. Mr. Ferrell noted that the original Animal Control Ordinance had a lot of language relating to the Health Director that is not included in the statutory responsibility of the Health Director, therefore, he took this out of the proposed Ordinance. Mr. Ferrell added that there were also some provisions in the original Ordinance that stipulated that the Animal Protection Society would do certain things and he took this out and left that authority with the County Manager. Mr. Ferrell noted that there has been some interest in a tethering law, but he did not include this since it was not in the original Ordinance, but it could be added at any time.

Commissioner Hall stated that in reviewing the proposed Ordinance, there appears to be a number of inconsistencies and felt that it would be good for staff to work further on the substance of the Ordinance. Commissioner Hall pointed out a number of examples and conflicts which require further review. Commissioner Hall suggested that the County Animal Control Office and the Animal Protection Society review the Ordinance further, as well as receiving suggestions from the Board, to be submitted to the County Attorney, who would then present it to the Board for the appropriate action.

Chairman Ward opened the floor for public comments.

Mr. Ken Schneider of 289 Ralph Daniel Road, Pelham, NC came before the Board and stated that he and his wife, Karen Schneider were initially appointed as Animal Cruelty Investigators for the County by the Board of Commissioners in April, 2008. Mr. Schneider informed the Board that once they were appointed they met with the individuals that they felt that they would need the assistance of to perform their duties and this included the former Animal Control Officer, County Manager, Sheriff, and District Attorney. Mr. Schneider stated that he then requested the Animal Control Ordinances of the County, Town of Yanceyville, and Town of Milton, and noted that the Town of Milton does not have an Animal Control Ordinance of its own. Mr. Schneider added that he then inquired as to whether the Towns of Yanceyville and Milton had an Interlocal Agreement with the County and learned that they did not and informed the County Manager of this. Mr. Schneider informed the Board that initially he had a good working relationship with the Sheriff's Office and noted that Sheriff Welch stated to him that the County's Animal Control Ordinance was in need of revisions. Mr. Schneider stated that the former Animal Control Officer, Mr. Andy Dodson, and his staff seemed to be very appreciative of the extra help that he and his wife were able to provide. Mr. Schneider informed the Board that the first problem he encountered was with the District Attorney and his department. Mr. Schneider stated that when he met with Mr. Joel Brewer, District Attorney, in August, 2009, he and his wife were told that even though North Carolina State law gives them as Animal Cruelty Investigators the authority to investigate both misdemeanor and felony animal cruelty in the State, that his office would only accept evidence from a law enforcement officer in felony cases. Mr. Schneider added that this stopped them from acting as Investigators in felony cases, but in theory, stopped the Animal Control Officers also, which meant that only Sheriff's officers could investigate all possible felony cruelty cases and this was only if Animal Control Officers called the Sheriff's Office to report a possible felony after they have been to the scene. Mr. Schneider informed the Board that after a meeting he attended on January 9th, with the County Manager and Sheriff, along with the Animal Control Officer, it was decided that Animal Control would go out first on any and all calls that related to an animal problem. Mr. Schneider stated that he and his wife have been severely restricted in the complaints they can investigate due to this decision by the County Manager and Sheriff. Mr. Schneider informed the Board of animal cruelty felony cases of which he was not allowed to follow through and he did not feel was handled properly, and provided the Board with pictures of animal cruelty. Mr. Schneider stated that the County needs to have its Animal Control Ordinance up-to-date and which reflects a more humane treatment of animals, as well as providing the proper training for its Animal Control personnel. Mr. Schneider added that when he and his wife provided a revised Animal Control Ordinance to the County, they had included a tethering law and provided the Board with a copy of an anti-tethering law which he feels needs to be included in the County's Animal Control Ordinance.

Mr. Schneider stated that due to the animal neglect and cruelty that he and his wife have witnessed and been unable to remedy, and the restrictions placed upon them along with the apathy and disrespect they have encountered from some government officials, judicial, and law enforcement, they feel that the only option they have is to resign their appointment as Animal Cruelty Investigators.

Commissioner Satterfield stated that in light of what Mr. Schneider has brought to the Board's attention, he agreed with Commissioner Hall in that the proposed Animal Control Ordinance needs further review.

There being no further comments, Chairman Ward declared the public hearing closed.

Commissioner Hall moved, seconded by Commissioner Travis to instruct staff to review the Animal Control Ordinance and all related Ordinances, revise where necessary and appropriate, with the compilation to be brought back before the Board for further discussion and action.

Commissioner Satterfield stated that he felt that staff referred to in the motion should include the County Manager, Health Director, Animal Control Officer, a representative from the Sheriff's Office, and Mr. Schneider. Commissioner Carter added that he agreed with Commissioner Satterfield.

Upon a vote of the motion, the motion carried unanimously.

PUBLIC HEARING – WATER POLICY AND WATER AND SEWER RATES

Commissioner Jefferies moved, seconded by Commissioner Travis that the Board enter into a public hearing to receive comments on a proposed Water Policy and Water and Sewer Rates. The motion carried unanimously.

Mr. Kevin Howard, County Manager, provided the Board with a copy of the Water & Sewer Rules and Regulations. Mr. Howard stated that the rates for water have not changed.

Commissioner Carter stated that the reconnect fee should be changed from \$25 to \$50.

Commissioner Hall stated that under Section I, Description of the Caswell County Water System, "The public water supply" should be changed to "The public water supplier", and added that this section should be more descriptive and note the specific areas to which reference is being made. Mr. Howard clarified that this policy is for the two systems which are located on US 29 and NC Hwy 86N. Commissioner Hall noted that under Adoption of Rules, "Council" should be changed to "Commissioners" and questioned whether the rules and regulations could be amended at any legally convened meeting of the County Commissioners as stated rather than holding a public hearing. Mr. Howard answered that the rules and regulations may be changed, but if there was a rate change, a public hearing would be required. Commissioner Hall stated that this section needs to be more explanatory.

In discussing the two Rate Schedules, Mr. Howard recommended the following:

0-2000 gallons	\$15.00
Over 2000	\$ 3.10 per 1000 gallons

Commissioner Carter stated that he felt that the rate of \$3.10 needs to be raised to \$4.00 per 1000 gallons. Mr. Howard noted that he was trying to stay with the same rate as the City of Danville.

Mr. Michael Ferrell, County Attorney, noted that this water line will not be cost recovery and is not going to pay for itself.

There being no further comments, Chairman Ward declared the public hearing closed.

Chairman Ward directed the County Manager to bring the final draft of the *Water & Sewer Rules and Regulations* back to the Board for consideration at its meeting on March 15, 2010.

PIEDMONT COMMUNITY COLLEGE

Dr. Walter Bartlett, President, Piedmont Community College, came before the Board to discuss budget needs for Piedmont Community College for Fiscal Year 2010-2011. Ms. Doris Carver, Vice-President, Continuing Education, and Mr. William Barnes, Finance Director were also present.

Dr. Bartlett stated that he wanted to let the Board know the major item that would be included in the College's budget request to them for Fiscal Year 2010-2011, and that is the repair of the roof of Building K at the Caswell County Campus.

Dr. Bartlett informed the Board that enrollment at Piedmont Community College has increased nine percent this year in curriculum alone and there has been an increase of 33% in continuing education. Dr. Bartlett provided photographs of classrooms and administrative offices in the College and the impact the leaking roof damage is having on classes, the quality of teaching, and administration.

Dr. Bartlett provided the following information:

Impact on Classes

- Have moved Huskins classes out of K-110 a total of 17 times over last two years.
- Class has been disrupted 7 times in computer lab K-124B this year.
- This year we've had to move class out of K-202.
- Even a little rain disrupts class.
- This is an eyesore and may be a health hazard.

Impact on Administration

- Dr. Gardner's office is not usable during rain.
- Barely usable normally.
- Admin. Area has major leaks during heavy rains.
- Ms. Stone's office is not usable in a storm.
- The Dean was flooded out of his office this summer.
- Metal roof is rusting.
- This is an eyesore.

Summary

- Due to leaks, have moved classes.
- Leaks have disrupted computer classes.
- Leaks disrupt classes.
- Buckets everywhere and ceiling tiles out everywhere, creating an eyesore.
- Health hazard
- Administrative office floods during heavy rains.
- Administrative offices are nearly unusable.
- Metal roof is rusting.

Dr. Bartlett informed the Board that this roof repair will be the major element in the College's budget for Fiscal Year 2010-2011 because it is interrupting the quality of work and the quality of education that they can provide their students. Dr. Bartlett added that the cost of the roof repair is approximately \$60,000. Dr. Bartlett stated that if this situation continues, he feels that it will cause permanent damage to the building.

Upon questioning from Commissioner Satterfield, Dr. Bartlett answered that Piedmont Community College's Caswell Campus was built in 1977 and has its original roof. Commissioner Satterfield stated that the Board of Commissioners needs to appropriate the money needed to fund the roof repair and it needs to be done immediately.

Commissioner Jefferies stated that the situation at Piedmont Community College is an unsafe hazard and agreed with Commissioner Satterfield that the Board needs to fund the roof repair now and not wait for the next fiscal year.

Chairman Ward stated that he agreed with the comments made and added that this is the first time he has been made aware of this situation.

Commissioner Battle questioned the condition of the heating and air-conditioning system in the building and stated that when he was in the building this past summer, it was extremely hot. Mr. William Barnes answered that they have had problems with the unit and they are currently working on it.

Commissioner Satterfield stated that before the College spends \$60,000 for roof repair, he would hope that they would be very sure that in a few years they will not have to replace the entire roof.

Mr. Barnes informed the Board that the College has received a quote of \$60,000 for the roof repair which would include a 15-year warranty on the original part of the roof. Mr. Barnes added that the \$60,000 does not include the ceiling tile and other damages that have been done to the building.

Commissioner Battle stated that he did not think it would be wise to spend \$60,000 to repair the roof and felt that they need to look long-term rather than consider a 15-year warranty because a new roof would last 30 plus years. Commissioner Battle added that he felt that the College needs a new roof and the Board needs to determine where funds can come from to pay for a new roof. Commissioner Battle stated that he felt that the Board needs to give the College a better alternative than to spend \$60,000 just to repair the roof.

Mr. Barnes informed the Board that the quote of \$60,000 would place a cover over the existing roof. Mr. Barnes stated that the repair will include a new type of membrane roof. Upon questioning from Commissioner Battle, Mr. Barnes answered that the College has obtained three quotes for repair of the roof.

After further discussion, Commissioner Jefferies moved, seconded by Commissioner Carter to appropriate \$60,000 from Fund Balance for repair of the roof of Building K of the Piedmont Community College Caswell Campus.

Commissioner Hall stated that he thought the Board is taking a short cut which is wrong and reminded the Board that they discussed capital improvements during the last budget process and no one wanted to consider it. Commissioner Hall added that he felt that they needed to address the issue in the proper manner, identify resources, and install a metal roof on it. Commissioner Hall stated that he did not think a 15 year roof that may not last is what they need.

Commissioner Travis stated that he felt that a quote should be obtained for a new roof and then compare the options.

Chairman Ward stated that he would like to see a quote for a metal roof. Mr. Howard noted that the building which has a flat roof is not designed for a metal roof and a metal roof would require a change in design prepared by an architect.

Upon a vote of the motion, the motion carried by a vote of four to three with Commissioners Battle, Hall, and Travis voting no.

REQUEST FROM BOARD OF ELECTIONS

Ms. Mary Jo Henderson, Director of Elections, came before the Board to request an extension on the relocation of the Board of Elections Office to the former Senior Center Building. Ms. Henderson stated that she and the Board of Elections would like to request that the move not take place until after the completion of the election of 2010. Ms. Henderson added that the additional

duties associated with the preparation of an even year election causes a higher stress level in the office compounded with the disruption of the office files and equipment would be an extreme hardship on the Elections Department. Ms. Henderson informed the Board that there is no down time for making a major move with the possibility of problems of equipment associated with the state server and the SEIMS Network. Ms. Henderson added that cabling and wiring for this network and telephone system will need to be installed and problems resolved prior to switching over from one location to another.

Ms. Henderson expressed concern that the three offices on the left in the former Senior Center building is 72 sq. ft. less than the office space in which they are currently operating, not taking into account the storage space for the voting machines that are located next door to their office. Ms. Henderson stated that she is asking for the enclosure of the back left corner of the large open room in the building for the storage of voting machines. Ms. Henderson added that it will also be necessary for shelving to be installed and an accessible counter for public use. Ms. Henderson informed the Board that there is HHS Grant funding available for requesting ADA accessibility improvements to the building and side lot. Ms. Henderson added that these improvements could include and have been recommended by the State Board of Elections: 1) automatic doors for front and side; 2) paved walkway; 3) paving of gravel lot on the side; 4) covered door on the side for use with the one-stop voting; and 5) an accessibility counter for public use. Ms. Henderson stated that estimates for these improvements will need to be secured for the grant application to be submitted for review.

After discussion, Commissioner Travis moved, seconded by Commissioner Carter to delay the relocation of the Board of Elections Office to the former Senior Center Building until January 1, 2011.

Commissioner Hall questioned whether the Board had given the Board of Elections a directive as to when to move. Mr. Howard answered that a motion was made by the Board that the Board of Elections move as soon as possible. Commissioner Hall expressed concern that the Board of Elections had to ask the Board of Commissioners to give them time to move.

Ms. Henderson stated that the Board of Elections would like all renovations to the former Senior Center building to be completed before they move.

Commissioner Travis clarified that his motion had nothing to do with renovations to the former Senior Center building.

Commissioner Satterfield stated that if the Board does not begin renovations to the former Senior Center building now, it will not be ready for the Board of Elections to move in January, 2011. Commissioner Satterfield added that the Board of Elections should begin inquiring into grant funding available for renovations so that the necessary work can be done and everything completed by January, 2011.

Upon a vote of the motion, the motion carried unanimously.

Chairman Ward stated that the Board of Elections could begin the process of applying for grant funding for renovations, and that this information should be brought back before the Board at its next meeting.

RECESS

The Board held a brief recess.

REQUEST FROM FAMILY SERVICES OF CASWELL – “HOUSE OF ESTHER” BATTERED WOMEN’S SHELTER

Mr. John McLarty came before the Board and requested that they sponsor the “House of Esther” Battered Women’s Shelter by placing it under the umbrella of the County. Mr. McLarty stated that they are currently in a transition and moving away from its current sponsorship. Ms. Doris Boyd, Director, Domestic Violence Shelter, and Board members Ms. Kim Hamlett and Mr. Gerald Brown were also present.

Mr. Kevin Howard, County Manager, stated that the Domestic Violence Shelter would become a department of the County and they would be County employees. Mr. Howard added that they are self-supportive and would require no additional County dollars. Mr. McLarty noted that Caswell County appropriates an annual amount of \$14,000 to the Domestic Violence Shelter.

Commissioner Battle questioned whether the Domestic Violence Shelter employees would receive benefits as other County employees, and if so, there would be an increase of cost to the County. Mr. Howard stated that the Domestic Violence Shelter employees would receive the same benefits as other employees, but it is his assumption that this would be paid for out of the funds that they receive. Upon questioning from Commissioner Battle as to the total cost to the County if the Domestic Violence Shelter could not generate those revenues, Mr. Howard answered that he would need to study this further.

Commissioner Battle questioned what would happen if one of the employees of the Domestic Violence Shelter were to get injured on the job. Ms. Doris Boyd, Director, House of Esther, answered that their worker’s compensation and benefits would be covered out of the grants that they receive. Ms. Boyd clarified that the House of Esther just needs a covering to make sure that their funds are allocated like it should be and that they can continue to keep the House of Esther open.

Ms. Boyd informed the Board that the House of Esther has helped 260 abused women and children and has had over 4,000 shelter nights since the inception of the Family Services of Caswell on December 9, 2006. Ms. Boyd requested that the Board consider being a covering for the House of Esther.

Mr. Michael Ferrell, County Attorney, stated that another option may be for the County to be the applicant for grants before making a decision.

Ms. Boyd stated that the House of Esther is planning to apply for non-profit 501(c)(3) status.

Chairman Ward directed the County Manager to obtain additional information on this request to be brought back before the Board for consideration at its April 5, 2010 meeting.

REQUEST FROM CASWELL PARISH

Mr. Don Bush, representing The Caswell Parish, came before the Board to request an additional \$1,000 for its utilities programs. Ms. Pam Page, Caswell Parish Board member was also present. Mr. Bush informed the Board that The Caswell Parish had a very large demand for utility assistance this year and added that The Parish did not receive a lot of the monies that were promised and normally donated to them.

Mr. Bush reported that from July – October, 2009, The Caswell Parish provided \$7,986.50 of utility funds to the community to help individuals with heating bills and gasoline requirements. Mr. Bush added that from October – December, 2009, The Caswell Parish provided \$6,734 of utility funds to the community, with a total of \$14,721 being provided by The Parish from July – December, 2009.

Mr. Bush stated that since the donations did not come in as expected, The Caswell Parish would like to request an additional \$1,000 for their utility fund.

After discussion, Commissioner Carter moved, seconded by Commissioner Jefferies to appropriate \$1,000 to The Caswell Parish for its utility program, to be funded from Contingency.

Upon questioning from Commissioner Satterfield as to where the shortfall is for The Caswell Parish, Mr. Bush answered that the shortfall came from those who have been making substantial donations to the Parish and were unable to do so this year.

Commissioner Satterfield questioned whether the Department of Social Services has any utility funds left. Mr. Howard answered that he did not know if DSS had any utility funds left, but knew that they worked closely with The Parish. Mr. Howard added that there are some programs for which individuals do not qualify and they are referred from DSS to The Parish.

Upon questioning from Commissioner Travis, Mr. Bush answered that those applying for utility funds are both the young and elderly, with some being out of work and some on disability.

Chairman Ward questioned Mr. Bush as to whether they have been to the churches that are members of The Parish and requested assistance. Mr. Bush answered that The Parish has a membership of 28 churches and they have been to all of them asking for assistance. Mr. Bush added that they are making an effort to increase the membership of churches because donations from only 28 churches are not sufficient to carry the expenses of The Parish. Mr. Bush noted that the churches are also experiencing financial problems.

Commissioner Travis stated that the Board just spent \$60,000 and is considering another \$1,000 and spending money like this will definitely call for a tax increase. Commissioner Travis added

that it is the responsibility of the Board of Commissioners to spend the County taxpayers' money wisely.

Upon a vote of the motion, the motion carried by a vote of four to three with Commissioners Ward, Battle, and Travis voting no.

PELHAM INDUSTRIAL PARK WATER PROJECT – CHANGE ORDER NO. 2

Mr. Matt Hastings, Engineer with Dewberry came before the Board to discuss Change Order No. 2 in the amount of \$8,431 for the Pelham Industrial Park Water Project. Mr. Hastings reported that the Pelham Industrial Park Water Project is in its second phase and Change Order No. 2 is a necessary component in order to move forward with the project. Mr. Hastings informed the Board that Change Order No. 2 is for a chemical feed system that can be put in either this phase or the next of the project; however, if it is put in during the next phase, the County will be paying out of pocket for its match. Mr. Hastings stated that approving the Change Order now would be the best solution.

Commissioner Battle stated that he felt that a complete and detailed description of the component should be presented to the Board by the engineering firm.

Mr. Hastings informed the Board that North Carolina Public Water Supply requires chemical feeds in systems such as this. Mr. Hastings stated that a water tank and water lines will not be approved by the North Carolina Public Water Supply without chemicals and chlorine being added into the water system. Mr. Hastings added that this has already been approved by the North Carolina Public Water Supply; however, this was to be done in the third phase of the project. Mr. Hastings stated that the tank manufacturer will come in and subcontract this work to another contractor and it will cost approximately \$15,000 - \$20,000, with the County providing a five percent match. Mr. Hastings added that if this work is done in this phase, it will cost \$8,431, to be paid from the grant and there will be no cost to the County.

After further discussion, Commissioner Satterfield moved, seconded by Commissioner Carter to approve Change Order No. 2 for the Pelham Industrial Park Water Project in the amount of \$8,431. The motion carried unanimously.

BUDGET AMENDMENT NO. 12

Mr. Kevin B. Howard, County Manager, presented and discussed Budget Amendment No. 12 for Fiscal Year 2009-2010. After discussion, Commissioner Jefferies moved, seconded by Chairman Ward to approve Budget Amendment No. 12 as presented. The motion carried unanimously with Commissioner Carter absent.

COMMISSIONERS' TRAVEL BUDGET

Chairman Ward reported that travel expenditures have been presented which exceeds the Commissioners' Travel budget and it is being brought before the Board for approval of that line item.

Mr. Kevin Howard, County Manager, reported that \$1,750 was approved for the Commissioners' Travel Budget and it is near the point of being spent in its entirety.

Chairman Ward noted that the Board has been provided a memorandum from the Clerk to the Board in which she has submitted a copy of the minutes of the May 11, 2009 Board meeting in which the Commissioners' Travel line item was reduced from \$3,500 to \$1,750, to be divided equally among the seven Commissioners.

Commissioner Battle moved, seconded by Commissioner Hall that the Board increase the Governing Body travel line item back to the original amount of \$3,500, to be appropriated from Contingency.

Commissioner Hall stated that when the budget document was approved, there was nothing included in it about distributing the Commissioners' travel equally. Commissioner Hall added that he did not think that action taken in a work session could become policy as part of the budget document. Commissioner Hall noted that the budget document was voted on one time at the end of all discussions.

Mr. Howard stated that the budget sessions were set up as special meetings and that motions made and action taken would become an official part of the budget document.

Commissioner Hall acknowledged that he has spent some of the Travel funds, but asked why the Board would vote for Commissioner Battle to attend the North Carolina Association of County Commissioners' Annual Conference as the County's representative and then only allow him to spend \$250.

Upon a vote of the motion, the motion failed by a vote four to three with Commissioners Ward, Travis, Carter, and Satterfield voting no.

Chairman Ward stated that Commissioner Battle was the Board's voting delegate at the NCACC Annual Conference and he should be reimbursed for any expenses that was not paid by the County and he paid personally. Chairman Ward requested that the County Manager determine how much money was paid by Commissioner Battle personally at the NCACC Annual Conference and bring it back to the Board at its next meeting in order to reimburse him.

COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, stated that he has recently discussed the problems associated with the Broadband Study individually with each Commissioner and added that the County Attorney would explain the legal aspects.

Mr. Michael Ferrell, County Attorney, reported that the Board voted at its February 15, 2010 meeting to authorize Excelsio Communications to prepare a grant application on the County's behalf to provide broadband infrastructure throughout the County. Mr. Ferrell stated that in preparation of that grant application, Excelsio learned that there is some question about legal

authority for the County to do this. Mr. Ferrell added that he is relatively sure that the County probably does have this authority, but he is also convinced that the County would face a challenge. Mr. Ferrell stated that this could be viewed as an economic development project and others could consider this as public enterprise and could be interpreted like cable television. Mr. Ferrell added that this could weaken the County's application because there is a potential that someone could challenge whether the County has the legal authority to operate such a system. Mr. Ferrell stated that another problem raised by the consultant concerns the issue of coverage and they did not feel that coverage of the Town of Yanceyville could be justified in the application because this takes out a large concentration of potential subscribers and could affect the overall budget and the payback to the County would not be as originally proposed. Mr. Ferrell added that after Excelsio began preparing the grant application, they acknowledged that there is a significant risk to the County of losing its investment of over \$40,000 if the grant application is not approved and they did not recommend moving forward.

Commissioner Battle asked wouldn't Excelsio Communications have known some of this information before they started the grant application. Mr. Ferrell answered that the consultants probably learned about this later into the grant application process, but he did not know when they would have learned the information about the overlay of the Town of Yanceyville.

Mr. Howard stated that he did not feel that the federal government would award this grant to the County if there is a possibility of a slowdown of this project. Mr. Howard added that the whole point of the grant process is to acquire stimulus dollars to get projects started quickly and the funds expended as quickly as possible.

Mr. Ferrell stated that because of the possibility of the County's application being weakened, and highly unlikely to be funded, the County would lose its investment.

Upon a request from Commissioner Satterfield for further clarification, Mr. Ferrell answered that the problem is market penetration and the availability of broadband in the market. Mr. Ferrell stated that Excelsio's initial numbers did not include the Town of Yanceyville which made the County's need look higher, but after they learned the broader definition of broadband, it changed the equation for the lack of broadband services in Caswell County, which made it less economically viable to continue with the system.

Upon questioning from Commissioner Satterfield as to who paid Excelsio Communications for their study, Mr. Howard answered that they were paid with Golden Leaf Grant Funds. Commissioner Satterfield expressed his disappointment with Excelsio's research of the County and added that this is a big let-down for the Board of Commissioners and Caswell County.

Mr. Howard stated that he was very excited about this project and saw it as a huge turning point for Caswell County and its future and added that he did not see this as being dead. Mr. Howard suggested the possibility in the future of securing grant funds from the Rural Telephone Fund to continue with providing broadband services throughout the County.

Mr. Ferrell suggested that the Board discuss this issue with its legislators. Mr. Howard informed the Board that he and the County Attorney had discussed the idea of meeting with the County's

legislators on this issue. Mr. Howard added that he felt that there is also a need state-wide for clarification on this issue.

Commissioner Satterfield stated that he felt that something should at least be done for Tier I counties like Caswell County to help provide jobs in the County and broadband would do this.

Chairman Ward directed the County Manager and County Attorney to pursue this issue further.

After further discussion, Commissioner Travis moved, seconded by Commissioner Carter that Caswell County withdraw from its contract entered into on February 15, 2010 with Excelsio Communications. The motion carried unanimously.

Mr. Howard referred to the inspection information on the Courthouse located at 139 East Church Street submitted by the Administrative Office of the Courts and informed the Board that he has spoken with the Clerk of Superior Court and they have agreed to establish a committee to review this issue. Mr. Howard stated that he would have the individual who conducted the inspection of the Courthouse to come before the Board at its meeting on April 5, 2010 to discuss this further.

Mr. Howard reported that he met this afternoon with the County Attorney and Sheriff to discuss the architectural proposals for the proposed Detention Center. Mr. Howard stated that they have agreed on three architectural firms to come before the Board for interviews and asked for guidance on how to continue with this process. The Board agreed that a special meeting should be scheduled to interview the architectural firms. Chairman Ward instructed the Clerk to the Board to poll the Board members to determine a date next week to interview the architectural firms.

Mr. Howard informed the Board that he has discussed with Piedmont Community College staff the possibility of their law enforcement training curriculum being held at the former Senior Center building and their physical training being held at the County's Recreation Gym. Mr. Howard stated that he would be bringing additional information on this to the Board at a later date.

ANNOUNCEMENTS

Commissioner Battle stated that a citizen came to him and asked, if they are not a senior citizen, are they still able to use the Senior Center and some of its services. Mr. Howard answered that the classes held at the Senior Center are for those citizens 55 years and older. Mr. Howard noted that groups and organizations rent the Senior Center for special events. Upon questioning from Commissioner Battle as to whether someone below the age of 55 years is allowed to use the treadmills, Mr. Howard answered that a citizen has to be 55 years and older. Commissioner Battle questioned what kind of activities are being provided for citizens 54 years and below, and Mr. Howard answered that he is not aware of any specific activities. Commissioner Battle stated that if this is the case, then the County is discriminating age-wise. Commissioner Battle stated that the County is not offering the same facility and services to the other citizens in the County as it is offering its senior citizens, and this is discrimination. Commissioner Battle added that this is discrimination and the Board is a part of it.

Commissioner Jefferies inquired as to the status of improvements requested from the North Carolina Department of Transportation for the Yarborough's Mill Road bridge. Mr. Howard answered that he has not received any information, but did inform the Board that the newly appointed North Carolina Board of Transportation member would be coming to the County soon.

Commissioner Carter reported that he was at Mendenhall in High Point last week and inquired about microphones for the Board of Commissioners. Commissioner Carter stated that they manufacture headset mikes, which would be a better mike, for \$61 each.

Commissioner Satterfield stated that while the County's legislators are not in session, it would be a good time to schedule a meeting with them because the County has a number of issues it could discuss with them. Commissioner Satterfield added that he would like to have the County Manager schedule a meeting with them and noted that the Board should be meeting with them on a regular basis.

CLOSED SESSION

Commissioner Travis moved, seconded by Commissioner Jefferies that the Board enter into closed session to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body (NCGS 143-318.11(a)(4)). The motion carried unanimously.

REGULAR SESSION

Commissioner Travis moved, seconded by Commissioner Jefferies to resume regular session. The motion carried unanimously.

DANVILLE REGIONAL AIRPORT

Commissioner Carter questioned why Caswell County does not have a representative on the Danville Regional Airport Authority as it has in the past. Chairman Ward directed the County Manager to contact Mr. Marc Alderman concerning this issue and report back to the Board.

THE ADJOURNMENT

At 9:35 p.m. Commissioner Travis moved, seconded by Commissioner Carter to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

George W. Ward, Jr.
Chairman
